



Sen. Pamela J. Althoff

Filed: 5/7/2013

09800HB0084sam001

LRB098 02833 MGM 45570 a

1 AMENDMENT TO HOUSE BILL 84

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 84 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wholesale Drug Distribution Licensing Act  
5 is amended by adding Section 200 as follows:

6 (225 ILCS 120/200 new)

7 Sec. 200. Drugs in shortage.

8 (a) For the purpose of this Section, "drug in shortage"  
9 means a drug, as defined in Section 356c of the Federal Food,  
10 Drug, and Cosmetic Act, listed on the drug shortage list  
11 maintained by the U.S. Food and Drug Administration in  
12 accordance with Section 356e of the Federal Food, Drug, and  
13 Cosmetic Act.

14 (b) Any person engaged in the wholesale distribution of a  
15 drug in shortage in this State must be licensed by the  
16 Department.

1       (c) It is unlawful for any person, other than a  
2 manufacturer, a manufacturer's exclusive distributor, a third  
3 party logistics provider, or an authorized distributor of  
4 record, to purchase or receive a drug in shortage from any  
5 person not licensed by the Department. This subsection (c) does  
6 not apply to the return of drugs or the purchase or receipt of  
7 drugs pursuant to any of the distributions that are  
8 specifically excluded from the definition of "wholesale  
9 distribution" in Section 15 of the Wholesale Drug Distribution  
10 Licensing Act.

11       (d) A person found to have violated a provision of this  
12 Section shall be subject to administrative fines, orders for  
13 restitution, and orders for disgorgement.

14       (e) The Department shall create a centralized, searchable  
15 database of those entities licensed to engage in wholesale  
16 distribution, including manufacturers, wholesale distributors,  
17 and pharmacy distributors, to enable purchasers of a drug in  
18 shortage to easily verify the licensing status of an entity  
19 offering such drugs.

20       (f) The Department shall establish a system for reporting  
21 the suspected instances of unscrupulous conduct by  
22 distributors of a drug in shortage. Reports made through this  
23 system shall be referred to the Office of the Attorney General  
24 for further investigation and prosecution.

25       (g) The Department shall adopt rules to carry out the  
26 provisions of this Section.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".